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FACEBOOK, INC. and  
MARK ZUCKERBERG

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

CHILDREN'S HEALTH DEFENSE,  
  
Plaintiff,  
  
v.  
  
FACEBOOK, INC., ET AL.,  
  
Defendants.

Case No. 3:20-cv-05787-SI

**DEFENDANTS FACEBOOK INC.'S  
AND MARK ZUCKERBERG'S  
STATEMENT OF RECENT  
DECISION**

Hon. Susan Illston

Pursuant to Civil Local Rule 7-3(d)(2), Defendants Facebook, Inc. and Mark Zuckerberg respectfully submit this Statement of Recent Decision to bring to this Court's attention the decision of Magistrate Judge Virginia K. DeMarchi of the Northern District of California in *Daniels v. Alphabet Inc.*, No. 5:20-cv-04687, 2021 WL 1222166, at \*3 (N.D. Cal., Mar. 31, 2021). A true and correct copy of that decision is attached hereto as Exhibit A. The decision was filed on March 31, 2021 after briefing was completed on the Facebook Defendants' Motion to Dismiss the Second Amended Complaint and on Plaintiff's Motion to Supplement its Second Amended Complaint in the above-captioned case. The decision is therefore appropriate for consideration by the Court. *See* Civil L.R. 7-3(d)(2) ("Before the noticed hearing date, counsel may bring to the Court's attention a relevant judicial opinion published after the date the opposition or reply was filed by filing and serving a Statement of Recent Decision, containing a citation to and providing a copy of the new opinion—without argument."). The *Daniels* decision is relevant to the Facebook Defendants' argument that they cannot be considered government actors for purposes of Plaintiff's *Bivens* claim. *See* 2021 WL 1222166, at \*5-7.

Dated: April 6, 2021

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By: /s/ Sonal N. Mehta  
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**CERTIFICATE OF SERVICE**

I hereby certify that on April 6, 2021, I electronically filed the above document with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered counsel.

Dated: April 6, 2021

By: /s/ Sonal N. Mehta  
Sonal N. Mehta